

KEKER & VAN NEST LLP
ROBERT A. VAN NEST - #840651
BRIAN L. FERRALL - #160847
DAVID SILBERT - #173128
MICHAEL S. KWUN - #198945
633 Battery Street
San Francisco, CA 94111-1809
Telephone: (415) 391-5400
Email: rvannest@kvn.com;
bferrall@kvn.com; dsilbert@kvn.com
mkwun@kvn.com

SUSAN CREIGHTON, SBN 135528
SCOTT A. SHER, SBN 190053
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
1700 K Street NW, Fifth Floor
Washington, D.C., 20006-3817
Telephone: (202) 973-8800
Email: screighton@wsgr.com;
ssher@wsgr.com

JONATHAN M. JACOBSON, NY SBN 1350495

CHUL PAK (*pro hac vice*)

DAVID H. REICHENBERG (*pro hac vice*)

WILSON SONSINI GOODRICH & ROSATI

Professional Corporation

1301 Avenue Of The Americas, 40th Floor

New York, NY 10019-6022

Telephone: (212) 999-5800

Email: jjacobson@wsgr.

dreichenberg@wsgr.com

Attorneys for Defendant ARISTA NETWORKS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Case No. 5:14-cv-05344-BLF (NC)

Plaintiff,

V.

ARISTA NETWORKS, INC.,

Defendant.

**DEFENDANT ARISTA NETWORKS,
INC.'S ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL IN
CONNECTION WITH ITS REPLY IN
SUPPORT OF ITS MOTION TO STRIKE
EXPERT OPINIONS AND TESTIMONY
OF DR. JUDITH A. CHEVALIER**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

Pursuant to the Northern District of California's Civil Local Rules 7-11 and 79-5(d)-(e), Defendant Arista Networks, Inc. ("Arista") respectfully submits this administrative motion to file under seal documents and information filed in connection with its Reply in Support of its Motion to Strike Expert Opinions and Testimony of Dr. Judith A. Chevalier.

Arista requests an order granting its motion to seal the following documents:

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Defendant Arista Networks, Inc.'s Reply in Support of its Motion to Strike Expert Opinions and Testimony of Dr. Judith A. Chevalier	Highlighted portions	Cisco and Arista

Arista's Reply in Support of its Motion to Strike Expert Opinions and Testimony of Dr. Judith A. Chevalier relates to a non-dispositive motion. In the context of non-dispositive motions, the materials may be sealed so long as the party seeking sealing makes a "particularized showing" under the "good cause" standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing "establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law" (i.e., that the document is "sealable"). Civil L.R. 79-5(b). The sealing request must also "be narrowly tailored to seek sealing only of sealable material." *Id.*

For the portions of the foregoing exhibits that Arista seeks to file under seal, Arista has established good cause to seal those materials through the Declaration of Elizabeth K. McCloskey in Support of Arista's Administrative Motion to File Under Seal ("McCloskey Sealing Declaration"), which is being filed contemporaneously herewith. Also filed concurrently with this Motion are redacted and highlighted versions of the above-referenced documents indicating the specific portions of the documents that Arista is submitting under seal.

The remainder of the material listed above is being submitted under seal pursuant to Civil Local Rule 79-5(e) because Cisco designated the information and documents being discussed in

1 Arista's Reply brief as "Confidential" or "Highly Confidential – Attorney's Eyes Only" under the
2 Stipulated Protective Order in this case. Arista takes no position on whether any of Cisco's
3 designated information should be filed under seal, and with respect to that material, Arista files
4 this administrative motion only to afford Cisco the opportunity to defend its confidentiality
5 designations as provided by Civil Local Rule 79-5(e).

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7 Dated: August 26, 2016

KEKER & VAN NEST LLP

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9 By: /s/ Elizabeth K. McCloskey
10 ELIZABETH McCLOSKEY

11 Attorney for Defendant
12 ARISTA NETWORKS, INC.

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